

Appl. No. 10/751,159
Amdt. Dated June 12, 2006
Reply to Office Action of January 12, 2006

REMARKS

Introduction

The present application includes claims 1-23. With this amendment, Applicants have amended claims 1, 9, 10, 12, 15, 19, and 22, cancelled claims 13 and 23 without prejudice or disclaimer of subject matter, and added claims 24-32. As such, claims 1-12, 14-22, and 24-32 are now pending.

Claim Rejections

Claims 1-14 were rejected under 35 U.S.C. §112 as being indefinite "since the claim does not set forth any steps involved in the method/process." Applicants point out that claims 1-14 are directed to a system, not a process. With this amendment, claim 1 has been amended to provide further positive limitations to the claim. As such, Applicants respectfully request the Examiner remove this rejection.

Claims 1-14 were rejected under 35 U.S.C. §101 for failing to "set forth any steps involved in the process ... results in a claim which is not a proper process claim." Applicants point out that claims 1-14 are directed to a system, not a process. As such, Applicants respectfully request the Examiner remove this rejection.

Claims 1, 2, 11-15, 21 and 23 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,841,030 to Honsberg ("Honsberg"). The rejected claims include independent claims 1 and 15 from which the remaining claims depend.

Honsberg is related to a PROCESS FOR THE DETERMINING THE VIBRATION CHARACTERISTICS OF A BODY. Honsberg relates to a process for determining the vibration characteristics of a body by modal analysis. As explained in Honsberg, during a modal analysis, the dynamic structural response of the body to an external excitation is determined at defined points of the body. (col. 1, lns. 9-11). The modal analysis requires that the experimental determination of the vibration characteristics of the body takes place in a defined manner so that the transmission characteristics between the (optically) determined body vibrations and the external body excitation can be determined. (col. 2, lns. 44-48).

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Claim 1

Responsive to the rejection of independent claim 1, Applicants submit that Honsberg does not disclose, teach or suggest the system for measuring speckle of a specimen of amended claim 1 comprising "a source of coherent light ... a camera configured to obtain a plurality of images of the specimen, each of the plurality of images including an interference pattern formed by the interaction of the coherent light and the specimen absent an excitation of the specimen from an external source, the interference pattern including a speckle pattern; and a processor coupled to said camera, said processor including software configured to perform speckle analysis on the speckle pattern of each of the plurality of images, the speckle analysis including one of Fractional Dimensional Calculation analysis and Wavelet Transform analysis." Applicants submit that Honsberg requires the use of an external source to excite the specimen.

For at least these reasons, Applicants submit that amended independent claim 1 patentably defines the invention over Honsberg and is in condition for allowance. Such action is respectfully requested.

Claims 2, 11, 12, and 14 depend from claim 1 and are believed to be in condition for allowance at least for the reasons given above in connection with claim 1 and for the further limitations of claims 2, 11, 12, and 14. Such action is respectfully requested.

Claim 15

Responsive to the rejection of independent claim 15, Applicants submit that Honsberg does not disclose, teach or suggest the method of measuring the vibration of a specimen of amended claim 15 comprising the steps of "projecting coherent light at a specimen; obtaining a plurality of images of the specimen, each of the plurality of images including an interference pattern formed by the interaction of the coherent light and the specimen absent an excitation of the specimen from an external source, the interference pattern including a speckle pattern; and performing speckle analysis on the plurality of images ... including one of Fractional Dimensional Calculation analysis and Wavelet Transform analysis." Applicants submit that Honsberg requires the use of an external source to excite the specimen.

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For at least these reasons, Applicants submit that amended independent claim 15 patentably defines the invention over Honsberg and is in condition for allowance. Such action is respectfully requested.

Claim 21 depends from claim 15 and is believed to be in condition for allowance at least for the reasons given above in connection with claim 15 and for the further limitations of claim 21. Such action is respectfully requested.

Claims 3-10, 12, 16-20, and 22 stand rejected under 35 U.S.C. §103(a) as being obvious over Honsberg. Claims 3-10 and 12 depend from independent claim 1 which Applicants submit is patentable over Honsberg at least for the reasons provided herein. Claims 16-20 and 22 depend from independent claim 15 which Applicants submit is patentable over Honsberg at least for the reasons provided herein.

For at least these reasons, Applicants submit that 3-10 and 12 and claims 16-20 and 22 are believed to be in condition for allowance at least for the reasons given above in connection with the respective independent claim 1 and 15 and for the further limitations of claims 3-10 and 12 and claims 16-20 and 22. Such action is respectfully requested.

New Claims

With this amendment Applicant has added claims 24-32. Claim 24 is an independent claim directed to a method of analyzing a specimen. Claims 25-28, 31, and 32 depend from claim 24. Claim 29 depends from claim 1. Claim 30 depends from claim 15. Consideration and allowance of claims 24-32 is respectfully requested.

Conclusion

Applicants submit that claims 1-12, 14-22, and 24-32 are in condition for allowance. Such action is respectfully requested.

If necessary, Applicants request that this response be considered a request for an extension of time appropriate for the response to be timely filed. Applicants request that any

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required fees needed beyond those submitted with this amendment be charged to the account of Baker & Daniels, Deposit Account No. 02-0390.

The Examiner is invited to contact the undersigned at the telephone number provided below should any question or comment arise during consideration of this matter.

Respectfully Submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: June 12, 2006

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NAME OF REGISTERED REPRESENTATIVE


SIGNATURE